The Planning Inspectorate

Appeal Decision

Site visit made on 9 July 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2024

Appeal Ref: APP/B4215/W/24/3338282
157 Hamilton Road, Manchester M13 0PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr D Clifton-Burraway against the decision of Manchester City Council.
- The application Ref is 138720/FO/2023.
- The development proposed is change of use from class C4 small HMO (6 bed) to Sui Generis large HMO (9 bed).

Decision

1. The appeal is allowed and planning permission is granted for change of use from class C4 small HMO (6 bed) to Sui Generis large HMO (9 bed) at 157 Hamilton Road, Manchester M13 0PL in accordance with the terms of the application, Ref 138720/FO/2023, subject to the following conditions.

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with drawing nos Location Plan; Site Plan dated 21 Nov 2023; Proposed elevations dated January 2024; Proposed basement, ground floor and first floor plans dated 20.11.23; Proposed Loft and Roof Plans dated 20.11.23.

    3) Before the first use of the development hereby permitted, the refuse and recycling storage shall be provided in accordance with the document titled "Detailed Container Storage Information Refuse and Recycling Storage" received with the appeal documents and implemented and maintained in situ thereafter.

    4) Before the first use of the development hereby permitted the cycle storage arrangements shall be provided in accordance with the document titled "Detailed Cycle Storage Information" received with the appeal documents and implemented and maintained in situ thereafter.

Main Issues

2. The main issues are the effect of the proposal on:

    - the living conditions of neighbouring occupiers with particular regard to noise and disturbance, waste generation and demand for on-street parking, and

    - the character and appearance of the area with particular regard to the storage of waste and recycling.

Reasons

Living conditions

3. 157 Hamilton Road is a mid-terraced property in a predominantly residential area. It is a two-storey property with additional accommodation in the roof space as well as a cellar. It is set back from the road behind a small front garden and low boundary wall and to the rear is an alleyway which allows access to the rear of the property. On-street parking is available on Hamilton Road as well as on the surrounding streets. It has permission[1] to be occupied as a Class C4 small scale House in Multiple Occupation (HMO) with up to six occupiers.

4. The appeal site is in a predominantly residential area with a mix of house types. Whilst the comings and goings to the property would be likely to be increased as a result of the greater number of occupiers, no substantive evidence has been provided to demonstrate that this would be harmful to the living conditions of nearby occupiers. Moreover, I have not been made aware that the Council has received any formal complaints or objections from neighbours regarding noise or anti-social behaviour relating to the existing use of the property. In addition, there is no evidence before me with regard to the number of HMOs in the vicinity of the proposal. It is likely that the proposed increase in occupiers over and above that allowed by the previous approval would not have a harmful impact on neighbouring occupiers in terms of noise and disturbance.

5. The appeal is accompanied by an updated Waste Pro Forma document which outlines the number of waste and recycling bins that would be required by the proposed number of occupants of the property. From the evidence before me, it appears that this has been accepted by the Council's Waste, Recycling and Street Management Department as being acceptable. The possible increase in waste generation has therefore been accommodated within the proposal.

6. The proposal does not provide any off-street parking. The appellant contends that there would be little demand for on-street parking places from the occupiers as they are likely to be students and that there is access to public transport close to the appeal site. On my site visit, which took place mid-morning and which I accept was a snapshot in time, I saw that there were several on-street parking spaces in the vicinity of the proposal. This is supported by the appellants car parking survey. On this basis I do not consider that the proposal would add significantly to the current level of on-street parking.

7. I conclude that the proposal would not harm the living conditions of neighbouring occupiers with particular regard to noise and disturbance, waste generation and demand for on-street parking. It would comply with Policies DM1 and SP1 of the Manchester Core Strategy (2012) (CS) and Policy DC26 of the Unitary Development Plan (1995) which together, amongst other matters, seek to ensure that development has regard to effects on amenity and makes a positive contribution to the character of the neighbourhood.

[1] Appeal Ref APP/B4215/W/23/3315981

Waste and recycling

8. The proposal includes timber lidded storage containers with capacity to accommodate the number of bins that would be necessary for the number of occupiers and as agreed in the Waste Pro Forma document. Although there is a relatively small space to the front of the property, sufficient space would remain in the front garden area for circulation space and they would not harm the existing tree. Whilst there would be additional bins to be accommodated than currently in use, I do not consider that they would be visually intrusive in the street scene.

9. I conclude that the proposal would not harm the character and appearance of the area with particular regard to the storage of waste and recycling. It would comply with Policies SP1, EN19 and DM1 of the CS which together, amongst other matters seek to ensure that development has regard to the satisfactory provision of refuse storage and collection facilities.

Other Matters

10. I have had regard to the appeal decisions submitted by the Council. The appeal decision relating to Egerton Street [2] was for an extension to an existing nine bedroomed HMO where there was evidence of existing noise and anti-social behaviour. The appeals relating to Northdale Road[3] and Station Road[4] were for the conversion of a dwelling house to an HMO. In this case the property is already in use as an HMO with no evidence before me of noise or disturbance, so the appeals are not directly relevant. In any event I have determined the appeal on the site-specific circumstances of the case.

Conditions

11. I have considered the conditions suggested by the Council in accordance with the National Planning Policy Framework and Planning Practice Guidance. The standard time limit and a condition specifying that the development is undertaken in accordance with the approved drawings are necessary to provide certainty.

12. To promote sustainable forms of transport and to provide security to cycles, a condition is necessary. A further condition is necessary to require provision of refuse and recycling storage facilities to meet the Council's standards.

Conclusion

13. For the reasons given above the appeal should be allowed.

H Senior

INSPECTOR

[2] APP/B4215/W/16/3149338
[3] APP/B4215/A/13/2199702
[4] APP/B4215/A/13/2195179